



1951

File No. *o/coal coke/51*

Legal Dept  
g BRANCH

Subject:— *Opinions ~~under~~ the*  
*Coal Coke*

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Legal Department.

The allotment of additional quota of 3 wagons in question to Messrs. Deshpande Bros. was made without obtaining their previous consent. No sooner, therefore, the intimation was sent to Messrs. Deshpande Bros, that an additional quota as aforesaid was made to them than they informed by their letter dated 6th November 1949 that they were sorry to refuse the allotment as they were not in a position to consume the excess quota. In all their subsequent letters they have consistently refused to accept the quota allotted to them on the ground that since they were never consulted before the allotment was made they were not bound to accept the quota. Under these circumstances it appears that no action can now be taken against Messrs. Deshpande Bros. for refusing to accept the allotment of 3 wagons of slack coal in question.

As pointed out above no action is feasible against Deshpande Bros for refusing to accept the additional quota of slack coal. There is nothing in the papers to show that Messrs. Deshpande Bros. or any one on their behalf purchased the slack coal in question by unfair means. That being so, even assuming that the purchaser Shri Deshpande purchased coal on behalf of Messrs. Deshpande Bros. no action can be taken either against Messrs. Deshpande Bros. or the said purchaser.

*MS. 1148*  
In order to prevent the malpractice as envisaged by the Civil Supplies Department in its note at page 160 ante the allotments should not be made unless the party concerned has accepted the allotment and has reduced the acceptance to writing. If necessary, a regular agreement should be got executed by the party concerned.

Sd/-

Additional Secretary to Government.